

Notice of Allowability

Application No.

09/972,223

Examiner

Jingge Wu

Applicant(s)

ROSEN ET AL.

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 1/31/2005.
2. ☒ The allowed claim(s) is/are 1, 3-22, 24-35, 37-39, 41 and 42 renumbered as 1-38.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

JINGGE WU
PRIMARY EXAMINER

Reasons for Allowance

Applicants' response to the last Office Action, filed on January 31, 2005 has been entered and made of record.

The following is an examiner's statement of reasons for allowance:

Independent claims 1, 7, 20, 22, 27, 33, and 37 are allowable over the prior art of record. Claims 3-6 and 21, 8-19, 21, 24-26, 32 and 42, 28-31, 34-35, 38-39 and 41 depend from claims 1, 7, 20, 22, 27, 33, and 37 respectively, therefore, are allowed.

Independent claims 1, 7, 22, 27, 33 and 37 recite the limitations of :
reconstructing spectra of the first scene (first set of channels) to satisfy a error criterion or under error tolerance. The combination of these features as cited in the claims in combination with the other limitations of the claims, are neither disclosed nor suggested by the prior art of record.

Independent claim 20 recites the limitations of: determining which aspects of the captured estimated spectral resolution are signature of original color levels and estimating spectral resolution data are signature of deterioration artifacts based on stored image information; and correcting the captured estimated spectral resolution data which are signatures of deterioration artifacts. The combination of these features as cited in the claims in combination with the other limitations of the claims, are neither disclosed nor suggested by the prior art of record.

The closest references of articles to Berns et al. and Maitre et al. (combination) discloses the method for spectral imaging with high resolution image data. However, they do not teach the limitations of cited above.

In view of the amended claims and the Applicant's arguments, the rejections to claims 1, 3-6, 14, 18, 22, 24-26, and 42 are expressly withdrawn.

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to Jingge Wu whose telephone number is (703) 308-9588. He can normally be reached Monday through Thursday from 8:00 am to 4:30 pm. The examiner can be also reached on second alternate Fridays.

Any inquiry of a general nature or relating to the status of this application should be directed to TC customer service whose telephone number is (703) 306-0377.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Amelia Au, can be reached at (703) 308-6604.

The Working Group Fax number is (703) 872-9314.

Jingge Wu

Primary Patent Examiner

